REMARKS

In the Office Action[1], the Examiner:

rejected claims 1-4, 6, 7, 35-41, and 47 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0029161 to Brodersen et al. ("Brodersen") in view of U.S. Patent Publication 2003/0033187 to Jones et al. ("Jones").

Claims 1-4, 6, 7, 35-41, and 47 remain pending and under examination. Claims 8-34 and 42-46 stand withdrawn. Claims 1, 35, 41, and 47 are currently amended. No new matter is added by this Amendment.

Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 103(a) as obvious over Brodersen in view of Jones. A *prima facie* case of obviousness has not been established with respect to any of the claims.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). In rejecting a claim, "Office personnel must explain why

---

[1]The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

Claim 1 recites, "determining a priority value for each of the projects by identifying an importance for the project through receiving an identification of the importance of one of the qualifying attributes to the project from a user." The Office Action correctly recognizes that Brodersen does not disclose or suggest this element of claim 1. The Office Action incorrectly alleges, however, that Jones remedies this deficiency of Brodersen. Office Action p. 7.

In particular, the Office Action alleges that Jones discloses "determining a priority value for each of the projects by identifying an importance of the qualifying attributes and receiving an identification of the importance of one of the qualifying attributes from a user (¶¶0005, 0010, 0037, ['contractor (user) priority data' . . . 'participation details (qualifying attributes)]' Table 1, 0075, 0085, 0087, 0089, and claims 2 and 14)." Office Action p. 7. That allegation is not correct. Jones does not disclose or suggest the claimed "determining a priority value for each of the projects by identifying an importance for the project through receiving an identification of the importance of one of the qualifying attributes to the project from a user" at least because Jones does not disclose or suggest that the "participation details" include the claimed "qualifying attributes."

Jones discloses a set of "participation details" that includes "Job Data, Materials Data, Labor Data (including Grade of Labour, Number of Hours, and Team data), and Equipment Data." Jones Table 1. Jones further discloses that "[p]riorities will act as flags for conflict detection. Priorities are set on contractors in a 'natural sequence' i.e.

what is the first job on the site and by whom will it be performed, that contractor will be assigned priority 1 etc. through to the last contractor who naturally carries out finishing works." Jones paragraph [0087].

Nowhere, however, does Jones disclose or suggest that the "priority" of the "contractors" is based on "receiving an identification of the importance of one of the **qualifying attributes** to the project from a user," as claimed in claim 1. For example, none of the described "Job Data, Materials Data, Labor Data, and Equipment Data" disclose or suggest "qualifying attributes" that include "at least one skill, at least one qualification, at least one level of experience, or at least one level of expertise." Accordingly, inasmuch as Jones fails to disclose or suggest "determining a priority value for each of the projects" based on "the importance of one of the qualifying attributes to the project" the rejection of claim 1 is improper.

Independent claims 35, 41, and 47, although of a scope different from that of claim 1, patentably distinguish the prior art for at least reasons similar to those discussed above with respect to claim 1 and are likewise allowable.

Dependent claims 2-4, 6, 7, and 36-40 depend from one of independent claims 1 or 35. Since the combination of Brodersen and Jones does not disclose each and every element of claims 1 and 35, Applicant asserts that these dependent claims are allowable at least due to their respective dependencies.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 8, 2010   By: _____
                                            Travis R. Banta
                                            Reg. No. 60,498